

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

CRIMINAL REVISION APPLICATION No 324 of 1999

For Approval and Signature:

Hon'ble MR.JUSTICE C.K.BUCH

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1. Whether Reporters of Local Papers may be allowed : YES
to see the judgements?
2. To be referred to the Reporter or not? : NO
3. Whether Their Lordships wish to see the fair copy : NO
of the judgement?
4. Whether this case involves a substantial question : NO
of law as to the interpretation of the Constitution
of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge? : NO

STATE OF GUJARAT

Versus

ANITABEN JAGDISHBHAI

Appearance:

MR BY MANKAD, APP for Petitioner

MR SV RAJU for Respondent No. 1, 2, 3, 4, 5

CORAM : MR.JUSTICE C.K.BUCH

Date of decision: 22/10/1999

ORAL JUDGEMENT

Heard learned APP Mr. Mankad for the State and
Ld. Counsel Mr. Raju for Respondent Nos. 1 to 5.
Looking to the facts and circumstances of the case,
learned counsel Mr. Raju appearing for the respondents
states that the ample hardships have been created by the
accused as the application in question was not preferred
immediately for recalling the panch witness and allowing
to cross-examine him and as the State was intending to

file present Cri. Revision Application, though there was no stay against further proceedings in trial, the State has deliberately not examined other witnesses in trial. The anxiety of the respondents is that the trial is conducted expeditiously and, therefore, learned counsel Mr. Raju has submitted that the respondents have no objection if panch witness is permitted to be recalled for a limited purpose for which application exh.45 is filed by the learned APP before the trial Court.

As the learned counsel Mr. Raju appearing for the respondents concedes that witness may be recalled for the limited purpose, without going into the merits of the matter. None has prayed for reasoned order. Therefore, the order rejecting application exh.45 passed by the learned Addl. Sessions Judge, Gandhinagar on 31.3.1999 is hereby quashed and set aside and application exh.45 submitted by learned APP before the learned Addl. Sessions Judge, Gandhinagar to call the panch witness for a limited purpose as enumerated in the said application, is hereby granted. It is, however, made clear that, learned counsel for the respondent appearing before the trial court would be at liberty to cross-examine the witness so-recalled and examined for limited purpose, at length.

Rule is made absolute. Interim relief stands vacated. Writ to be sent forthwith.

22.10.1999 [C.K. BUCH, J]

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